

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 2:08CR058-P-S

DAVID WALLACE GARRISON,

DEFENDANT

ORDER

This matter comes before the court upon the defendant's motion to stay enforcement of restitution pending appeal [55]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

The Court previously ordered the defendant to pay \$50,000.00 in restitution plus a \$600.00 special assessment to be paid into the registry of the court by May 23, 2009. The defendant filed the instant motion on May 11, 2009. The Government responded on May 22, 2009. The defendant filed no reply.

Having considered the parties' arguments, the court concludes that the motion should be granted in part and denied in part.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The defendant's motion to stay enforcement of restitution pending appeal [55] is **GRANTED IN PART AND DENIED IN PART**; more specifically,

(2) The motion is **GRANTED** insofar as it seeks to stay distribution of the restitution to Polo/Ralph Lauren Corp., Lacoste, and Abercrombie & Fitch;

(3) The motion is **DENIED** insofar as it seeks to avoid payment until after resolution of the defendant's appeal to the Fifth Circuit Court of Appeals; therefore,

(4) The defendant is ordered to pay into the registry of the Clerk's Office a total of \$50,600.00, which includes the \$600.00 special assessment by June 29, 2009;

(5) The Clerk's Office is ordered to place the \$50,600.00 restitution and special assessment in an interest-bearing account; however,

(6) Distribution of the \$50,000.00 in restitution to Polo/Ralph Lauren Corp., Lacoste, and Abercrombie & Fitch is hereby **STAYED** until the resolution of the defendant's appeal; and

(7) Upon resolution of the appeal, the parties are to contact the court within 10 days to inform the court how to proceed with regard to the restitution and special assessment funds.

SO ORDERED this the 16th day of June, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE